

Restorative Justice Fact Sheet

Community Restorative Boards

There is a rapidly growing interest among many criminal justice agencies, communities, and citizens in community members becoming substantively involved in the justice process. One strategy for achieving this is through the establishment of community reparation boards.

A community reparation board typically is composed of a small group of citizens, prepared for this function by intensive training, who conduct public, face-to-face meetings with offenders sentenced by the court to participate in the process. During a meeting, board members discuss with the offender the nature of the offense and its negative consequences. Then board members develop a set of proposed sanctions which they discuss with the offender, until they reach agreement on the specific actions the offender will take within a given time period to make reparation for the crime. Subsequently, the offender must document his or her progress in fulfilling the terms of the agreement. After the stipulated period of time has passed, the board submits a report to the court on the offender's compliance with the agreed upon sanctions. At this point, the board's involvement with the offender is ended.

One innovative example of the use of community reparation boards is the Reparative Probation Program, initiated in 1996 by the Vermont Department of Corrections with support from the Bureau of Justice Assistance. The department was spurred to develop the program after seeing the response of Vermont citizens to a public opinion study, conducted in Spring 1994, which indicated broad support for programs with a reparative emphasis and active community involvement.

Goals

The goals of community restorative boards include:

- Promote citizen ownership of the criminal justice system by involving them directly in the justice process.
- Provide opportunities for victims and community members to confront offenders in a constructive manner about their behavior.
- Provide opportunities for offenders to take personal responsibility and be held directly accountable for the harm they caused to victims and communities.
- Generate meaningful "community-driven" consequences for criminal actions that reduce a costly reliance on formal criminal justice processing.

Implementation

Community reparation boards have primarily been used with offenders convicted of non-violent and minor offenses. Involving community members in the process of dealing with serious offenders can also be effective, however, as demonstrated in the sentencing circles conducted in Western Canada. Based on the experience of the Vermont program, the following factors have been identified as important elements of implementing a successful community-driven reparation board program:

- Marketing the program effectively to the criminal justice system (to judges, prosecutors, and defense attorneys).
- Having a committed, well trained staff.
- Working with victim organizations, and ensuring that victims are represented and provided adequate opportunity to participate.
- Processing cases expeditiously and in a manner that is simple for community members to understand.
- Facilitating a positive experience for the board members.
- Providing quality training for the boards.
- Supporting the program with adequate resources (e.g., space, time, and staff).
- Striving for initial successes for offenders, victims, and community participants.
- Getting support from judges in limiting the time the offender is in the program and on probation.

Lessons Learned

Little quantitative data has been collected on the effectiveness of community reparation boards. There is a growing concern and understanding that evaluations of these interventions consider measures besides the standard offender-focused measure of recidivism. Measures should include victim and community responsiveness and satisfaction, as well as factors such as community beautification and indicators of healthy citizen relationships within the community. At this point, experiential and anecdotal information show much promise for community reparative boards as an effective response to non-violent crime.

For More Information

More information on Community Reparation Boards can be obtained from the following:

- Vermont Department of Corrections, 103 S Main St, Waterbury, VT 05671, 802-241-2270;
- The National Institute of Corrections Information Center, 1960 Industrial Circle, Longmont, CO 80501, 1-800-995-6429;
- *Restoring Hope Through Community Partnerships*, American Probation and Parole Association, c/o Council of State Governments, Iron Works Pike, P.O. Box 11910, Lexington, KY 40578-1910, 606-244-8196.

Restorative Justice Fact Sheet

Sentencing Circles

A sentencing circle is a community-directed process, conducted in partnership with the criminal justice system, to develop consensus on an appropriate sentencing plan that addresses the concerns of all interested parties. Sentencing circles - sometimes called peacemaking circles use traditional circle ritual and structure to involve the victim, victim supporters, the offender, offender supporters, judge and court personnel, prosecutor, defense counsel, police, and all interested community members. Within the circle, people can speak from the heart in a shared search for understanding of the event, and together identify the steps necessary to assist in healing all affected parties and prevent future crimes.

Sentencing circles typically involve a multi-step procedure that includes: (1) application by the offender to participate in the circle process; (2) a healing circle for the victim; (3) a healing circle for the offender; (4) a sentencing circle to develop consensus on the elements of a sentencing plan; and (5) follow-up circles to monitor the progress of the offender. The sentencing plan may incorporate commitments by the system, community, and family members, as well as by the offender. Sentencing circles are used for adult and juvenile offenders with a variety of offenses and have been used in both rural and urban settings. Specifics of the circle process vary from community to community and are designed locally to fit community needs and culture.

Sentencing circles have been developed most extensively in Saskatchewan, Manitoba, and the Yukon and have been used occasionally in several other communities. Their use spread to the United States in 1996 when a pilot project was initiated in Minnesota.

Goals

The goals of sentencing circles include:

- Promote healing for all affected parties.
- Provide an opportunity for the offender to make amends.
- Empower victims, community members, families, and offenders by giving them a voice and a shared responsibility in finding constructive resolutions.
- Address the underlying causes of criminal behavior.
- Build a sense of community and its capacity for resolving conflict.
- Promote and share community values.

Implementation

A successful sentencing circle process depends upon a healthy partnership between the formal justice system and the community. Participants from both need training and skill building in the circle process, peacemaking, and consensus building. The community can subsequently customize the circle process to fit local resources and culture. It is critically important that the community's planning process allow sufficient time for strong relationships among justice professionals and community members to develop. Implementation procedures must be highly flexible, because the circle process will evolve over time based on the community's knowledge and experience.

In many communities, direction and leadership are provided by a community justice committee that decides which cases to accept, develops support groups for the victim and offender, and helps to conduct circles. In most communities, circles are facilitated by a trained community member, who is often called a "keeper."

Sentencing circles are not appropriate for all offenders. The connection of the offender to the community, the sincerity and nature of the offender's efforts to be healed, the input of victims, and the dedication of the offender's support group are key factors in determining whether a case is appropriate for the circle process. Because communities vary in health and in their capacity to deal constructively with conflict, representatives of the formal justice system must participate in circles to ensure fair treatment of both victims and offenders.

The capacity of the circle to advance solutions capable of improving the lives of participants and the overall well-being of the community depends upon the effectiveness of the participating volunteers. To ensure a cadre of capable volunteers, the program should support a paid community-based volunteer coordinator to supply logistical support, establish linkages with other agencies and community representatives, and provide appropriate training for all staff.

Lessons Learned

Very little research has been conducted to date on the effectiveness of sentencing circles. One study conducted by Judge Barry Stuart (1996) in Canada indicated that fewer offenders who had gone through the circle recidivated than offenders who were processed by standard criminal justice practices. Those who have been involved with circles report that circles empower participants to resolve conflict in a manner that shares responsibility for outcomes; generate constructive relationships; enhance respect and understanding among all involved; and foster enduring, innovative solutions.

For More Information

For a more complete discussion of sentencing circles, see *Building Community Justice Partnerships: Community Peacemaking Circles*, by Barry Stuart, available from Aboriginal Justice Section, Department of Justice of Canada, Ottawa, Ontario, K1A0H8; Fax - (613-957-4697, Attn. Learning Network

Restorative Justice Fact Sheet

Restitution

Criminal restitution is a process by which offenders are held accountable for the financial losses they have caused to the victims of their crimes. The restitution payment is the sum of money paid by the offender to the victim to balance this monetary debt.

Without restitution, a victim may be financially devastated by the crime committed against them. A victim's financial losses can also contribute to their experience of trauma and frustration with the criminal and juvenile justice systems. On the other hand, receiving a restitution payment can make a victim feel that the justice system is working on their behalf to ensure they are justly compensated for their losses. Moreover, restitution, as a part of the sentence or a condition of community supervision, is an essential aspect of holding offenders accountable for their crimes.

Restitution is considered to be a “core” victim right which is crucial to help victims reconstruct their lives in the aftermath of a crime. In recent years, restitution has been made mandatory for persons convicted of federal crimes. Additionally, 29 states require a court to order restitution to the victim or to state on the record the reasons for failing to do so (*1996 Victims' Rights Sourcebook*, National Victim Center).

Goals

The goals of restitution are to:

- Provide remuneration to victims who suffer financial losses as a result of crime. Such losses may include out-of-pocket expenses for medical or mental health treatment, property loss or damage, sexual assault examinations, HIV testing, participation in justice processes, and funeral costs.
- Hold offenders accountable for their actions, specifically those that cause financial harm to victims.

Implementation

Appropriate restitution orders are based on information provided by victims to the court about out-of-pocket losses and information about offenders' financial status and earning capacity. Victim input is usually gathered through either victim impact statements or pre-sentence investigations. Victims often need assistance to prepare complete, accurate documentation of their immediate and projected financial losses resulting from the crime. Such assistance can be provided by victim advocates, prosecution staff or probation/parole personnel. Justice agencies also need to conduct comprehensive assessments of convicted offenders' assets and ability to pay, both immediate and long-term.

The ordering, collecting, and disbursing of restitution require strong collaborative efforts among many justice agencies. Justice officials need to practice “due diligence” in seeking court- or

parole-ordered restitution payments from offenders. Records of restitution judgments should be incorporated into offenders' case files at the court, probation, incarceration/detention, and parole stages of the criminal and juvenile justice processes. Victims should be advised of the types of remedies the system can pursue when offenders fail to comply with restitution orders, which include, but are not limited to, converting restitution orders to civil judgments, extending the terms of probation/parole until restitution is paid, asset forfeiture, garnishment or attachment, income withholding orders, revocation of the offender's driver's license, and revocation of probation/parole, in some cases.

Lessons Learned

A study involving 6,336 formal juvenile probation cases in Utah, conducted by the National Center for Juvenile Justice, found the use of restitution associated with significant reductions in recidivism among certain juvenile offenders. Juveniles agreeing to pay restitution as an informal disposition, as well as those formally ordered to pay restitution, returned to court significantly less often than juveniles who did not pay restitution (OJJDP, 1992).

Other studies have identified restitution as one of the most significant factors related to victim satisfaction with the criminal justice process (American Bar Association, *Improving Enforcement of Court-Ordered Restitution*, 1989).

For More Information

A bulletin entitled *Restitution Reform: A Coordinated Interagency Approach* is available from the Office for Victims of Crime Resource Center by calling 1-800-627-6872. You may also contact William Brantley at the Office for Victims of Crime, U.S. Department of Justice, at 202-307-5983.

Restorative Justice Fact Sheet

Community Service

Community service is work performed by an offender for the benefit of the community as a formal or informal sanction. Just as neighborhoods and communities are harmed by criminal and delinquent activities, they can be at least partially restored by meaningful service that contributes to their improvement. Community service offers one way an offender can be held accountable to repair some of the harm caused by his or her criminal actions.

Community service is effectively used in all 50 states and at the federal level as a component of criminal sentences and juvenile adjudications involving diversion, probation, and parole. Restorative justice practices in institutions are also beginning to incorporate community service sanctions for infractions that have a detrimental impact on the “community” of a prison or detention center.

Goals

The goals of community service are to:

- Hold offenders accountable for the harm they have caused to the community.
- Provide communities with human resources that can improve the quality of life in public environments, business, and even individual residences.
- Help offenders develop new skills through supervised work activities.
- Allow victims a voice and occasionally some direct benefit by recommending the type of community service performed.

Implementation

Successful community service programs require a true public-private partnership. Residents in a community can enhance efforts of the criminal and juvenile justice Systems by providing meaningful work experiences, volunteering to supervise offenders sentenced to community service, and serving as mentors for adjudicated youth in community service capacities. Examples of community service include: public work programs that beautify a community’s environment such as park and roadside clean-up efforts or graffiti removal. Truly restorative community service offers crime victims the opportunity to provide input into the types of community service they would like to see the offender perform, including activities that directly benefit the victim or a charity or project of the victim’s choice. Community service can also benefit victim service organizations, for example, by providing bookkeeping services to a rape crisis center or other valuable support, as described in the example below.

Lessons Learned

Adult and juvenile offenders, under the supervision of the Department of community Corrections in Deschutes County, Oregon, have accomplished a number of human service and public works tasks, including the construction of a homeless shelter and domestic abuse crisis center.

Offenders raised the money to pay for the building materials, as well as provided the construction labor. This type of community service provides offenders an opportunity for skill development and interaction with positive role models, as well as learning about the needs of others and helping to create something of a lasting benefit to the community.

For More Information

For more information, contact Dennis Maloney, Deschutes County Department of Community Justice, 1128 NW Harriman Avenue, Bend, OR 97701, 541-388-6673

Restorative Justice Fact Sheet

Victim Impact Statements

The victim impact statement (VIS) is one of the most effective means to communicate the “voice of the victim” throughout the criminal and juvenile justice systems. The use of VIS was initiated in 1976 by then-Chief Probation Officer James Rowland of Fresno County (CA), who felt that victims had valuable information they could provide to courts prior to sentencing.

A VIS is a victim’s description of how the crime affected their life and the lives of their loved ones. The VIS provides the court and paroling authorities with vital information relevant to the short- and long-term psychological, physical, and financial effects of a crime on the victim and on others around them. The VIS can be delivered by victims orally (by “allocution”), in writing, or in audiotape or videotape formats.

VIS are commonly used by courts as part of pre-sentence investigations and at sentencing, and by paroling authorities as part of pre-parole investigations, parole release, and revocations. The use of VIS is a restorative practice that can assist in holding offenders accountable for their criminal or delinquent actions, promote community safety by providing important information relevant to decisions affecting case disposition, and involve victims in a meaningful way in what may be one of the most significant events of their lives. VIS are appropriate not only for individual victims, but for entire neighborhoods that are detrimentally affected by chronic drug or gang activities (called “community impact statements”).

Goals

The goals of VIS are to:

- Document crucial information about the actual crime that may not be evident from plea agreements, dispositions, sentencing, or offenders’ correctional case files, and that can serve to hold offenders accountable for the actual crimes they committed.
- Provide a format for victims - including victims who may have special obstacles to accessing the systems such as child victims, victims with disabilities, and non-English speaking victims - to present information to and participate in the criminal and juvenile justice systems.

Implementation

The systematic use of VIS requires the involvement of and coordination among key criminal and juvenile justice officials. For VIS to be an effective tool:

- *Prosecutors* need to inform victims of their right to submit a VIS;
- *Probation officials* need to practice due diligence in locating victims and documenting relevant VIS information as part of their pre-sentence investigations;

- *Corrections officials* need to maintain records of the VIS from the sentencing phase in a confidential section of the offender's file for review by paroling authorities, and notify victims of any rights they might have relevant to VIS input at parole hearings; and
- *Parole boards* should have policies that encourage the use of VIS by crime victims, both for parole hearings and parole revocation proceedings.

In many jurisdictions, victims are given printed forms describing the type of information that is most important to include in VIS. Often victim service and criminal justice professionals assist victims in filling out VIS forms. This guidance can help victims to include complete, pertinent information, and is particularly beneficial for victims who have had little or no prior interactions with the criminal or juvenile justice systems.

Lessons Learned

Many victims report that VIS increased their satisfaction with the entire criminal justice system. Research by Mothers Against Drunk Driving (MADD, 1994) found that 66 percent of victims were satisfied with the criminal justice system if they were given the opportunity to present *written* VIS, and 62 percent of victims were satisfied with the criminal justice system if they were given the opportunity to present *oral* VIS. Victim dissatisfaction with the criminal justice system increased to 75 percent when they were *not* allowed to submit written VIS, and to 78 percent when they were *not* allowed to present oral VIS,

A rich body of research concludes that two factors increase victims' overall satisfaction with the justice system and reduce victim trauma: (1) being taken seriously and being believed; and (2) being informed and involved in key justice proceedings related to their cases. VIS provide opportunities to fulfill both of these key elements that help victims reconstruct their lives in the aftermath of a crime.

For More Information

A comprehensive guidebook to the implementation of VIS, *Impact Statements: A Victim's Right to Speak, A Nation's Responsibility to Listen*, published by the National Victim Center, MADD, and the American Prosecutor's Research Institute in 1994, is available from the Office for Victims of Crime Resource Center by calling 1-800-627-6872. You may also contact Laura Federline or Susan Laurence at the Office for Victims of Crime, U.S. Department of Justice, at 202-307-5983.

Restorative Justice Fact Sheet

Victim Offender Mediation

Victim offender mediation is a process that provides interested victims an opportunity to meet their offender, in a safe and structured setting, and engage in a mediated discussion of the crime. With the assistance of a trained mediator, the victim is able to tell the offender about the crime's physical, emotional, and financial impact; to receive answers to lingering questions about the crime and the offender; and to be directly involved in developing a restitution plan for the offender to pay back his or her financial debt.

This process is different from mediation as it is practiced in civil or commercial disputes, since the involved parties are not "disputants" nor of similar status - with one an admitted offender and the other the victim. Also, the process is not primarily focused upon reaching a settlement, although most sessions do, in fact, result in a signed restitution agreement. Because of these fundamental differences with standard mediation practices, some programs call the process a victim offender "dialogue," "meeting," or "conference."

Currently, there are more than 290 victim offender mediation programs in the United States and more than 500 in Europe. The American Bar Association recently endorsed victim offender mediation and recommends its use throughout the country. A recent statewide survey of victim service providers in Minnesota found that 91 percent of those surveyed believe that victim offender mediation should be available in every judicial district, since it represents an important victim service.

Goals

The goals of victim offender mediation include:

- Support the healing process of victims, by providing a safe and controlled setting for them to meet and speak with the offender on a strictly voluntary basis.
- Allow the offender to learn about the impact of the crime on the victim and to take direct responsibility for their behavior.
- Provide an opportunity for the victim and offender to develop a mutually acceptable plan that addresses the harm caused by the crime.

Implementation

Cases may be referred to victim offender mediation programs by judges, probation officers, victim advocates, prosecutors, defense attorneys, and police. In some programs, cases are primarily referred as a diversion from prosecution, assuming any agreement reached during the mediation session is successfully completed. In other programs, cases are usually referred after a formal admission of guilt has been accepted by the court, with mediation being a condition of probation (*if* the victim has volunteered to participate). Some programs receive case referrals at both

stages. The majority of mediation sessions involve juvenile offenders, although the process is occasionally used with adults and even in very serious violent cases. In implementing any victim offender mediation program, it is critically important to maintain sensitivity to the needs of the victim. First and foremost, the mediator must do everything possible to ensure that the victim will not be harmed in any way. Additionally, the victim's participation must be completely voluntary, as should the participation of the offender. The victim should also be given choices, whenever possible, concerning decisions such as when and where the mediation session will take place, who will be present, who will speak first, etc. Cases should be carefully screened regarding the readiness of both victim and offender to participate. The mediator should conduct in person, pre-mediation sessions with both parties and make follow-up contacts, including the monitoring of any agreement reached.

Lessons Learned

A large multi-site study (Umbreit, 1994) of victim offender mediation programs with juvenile offenders found the following:

- 3,142 cases were referred to the four study-site programs during a two-year period, with 95 percent of the mediation sessions resulting in a successfully negotiated restitution agreement to restore the victim's financial losses.
- Victims who met with their offender in the presence of a trained mediator were more likely to be satisfied (79 percent) with the justice system than similar victims who went through the normal court process (57 percent).
- After meeting the offender, victims were significantly less fearful of being revictimized.
- Offenders who met with their victims were far more likely to successfully complete their restitution obligation (81 percent) than similar offenders who did not participate in mediation (58 percent).
- Fewer offenders who participated in victim offender mediation recidivated (18 percent) than similar offenders who did not participate in mediation (27 percent); furthermore, participating offenders' subsequent crimes tended to be less serious.

For More Information

For additional information, contact:

- Dr. Mark Umbreit, Center for Restorative Justice and Peacemaking, School of Social Work, University of Minnesota, 1404 Gortner Ave, 105 Peters Hall, St. Paul MN 55108-6160, Phone: 612-624-4923, Fax: 612-625-8224, E-mail: rjp@tlcmail.che.umn.edu Internet: <http://ssw.che.umn.edu/rjp>
- Victim Offender Mediation Association (VOMA), c/o Restorative Justice Institute, PO Box 16301, Washington, DC 20041-6301, Phone: 703-404-1246, Fax: 703-404-4213, E-mail: voma@voma.org, Internet: www.voma.org

Restorative Justice Fact Sheet

Family Group Conferencing

Family group conferencing involves the community of people most affected by the crime - the victim and the offender; and the family, friends, and key supporters of both in deciding the resolution of a criminal incident. These affected parties are brought together by a trained facilitator to discuss how they and others have been harmed by the offense and how that harm might be repaired. To participate, the offender must admit to the offense. Participation by all involved is voluntary. The facilitator contacts the victim and offender to explain the process and invites them to the conference; the facilitator also asks them to identify key members of their support systems, who will be invited to participate as well.

The conference typically begins with the offender describing the incident, followed by each participant describing the impact of the incident on his or her life. It is preferable to allow the victim to start the discussion, if they wish. Through these narrations, the offender is faced with the human impact of the behavior on the victim, on those close to the victim, and on the offender's own family and friends. The victim has the opportunity to express feelings and ask questions about the incident. After a thorough discussion of the impact of the behavior on those present, the victim is asked to identify desired outcomes from the conference, and thus help to shape the obligations that will be placed on the offender. All participants may contribute to the problem-solving process of determining how the offender might best repair the harm he or she has caused. The session ends with participants signing an agreement outlining their expectations and commitments.

Family group conferencing was developed from a Maori tradition in New Zealand, where it is currently used for most juvenile offenses. The process was adapted by police in Australia, and then introduced to the United States, where it is currently used by some police agencies, schools, and probation. Family group conferencing is most often used as a diversion from the court process for juveniles, but can be used after adjudication to address unresolved emotional issues or to determine the specific terms of restitution. The process has been used in a few adult cases. A variety of offenses have been resolved through family group conferencing, including theft, arson, minor assaults, drug offenses, and vandalism,

Goals

The goals of family group conferencing include:

- Provide an opportunity for the victim to be directly involved in the discussion of the offense and in decisions regarding appropriate sanctions to be placed on the offender.
- Increase the offender's awareness of the human impact of his or her behavior and provide an opportunity to take full responsibility for it.
- Engage the collective responsibility of the offenders support system for making amends and shaping the offender's future behavior.
- Allow both offender and victim to reconnect to key community support systems.

Implementation

The family group conferencing process has been implemented in schools, police departments, probation offices, and neighborhood groups. Either volunteers or paid employees can serve as facilitators after completing a required course of skills training. Besides involving the victim, offender, and their family members, a conference might involve other key people in the victim's and offender's lives such as teachers, other relatives, peers and special adult friends, and the like. Some family group conferencing programs are implemented within a single agency, while others are developed collaboratively among several agencies.

Lessons Learned

To date, two studies have been conducted to assess the impact of family group conferencing with youthful offenders. One study assessed the impact of a new law mandating the widespread use of conferencing in New Zealand. It found that families of offenders are more frequently and actively involved in the justice process when they participate in a family group conference, rather than standard justice processes (Maxwell and Morris, 1993). It also found that the offenders and victims, as well as their families, reported that the conference process had been helpful. Preliminary program evaluations in the United States also indicate high levels of victim satisfaction with the family group conferencing process and high rates of compliance by offenders with the agreements reached during conferences.

Practitioners observe a reduction in fear for many victims. When used as a diversion from court, family group conferencing provides a much speedier resolution of the incident than would otherwise be the case. Family group conferencing also builds community skills in conflict resolution and participatory decision making,

For More Information

For more information about family group conferencing, contact:

- David Hines, Woodbury Police Department, 2100 Radio Drive, Woodbury, MN 55125-9598, 612-739-4141.
- Carver Scott Educational Cooperative, 401 East 4th Street, Chaska, MN 55318, 612-368-8804.
- Kay Pranis or Sue Stacey, Minnesota Department of Corrections, 1450 Energy Park Drive, St. Paul, MN 55108, 612-642-0329 or 612-642-0338.
- Real Justice, P.O. Box 229, Bethlehem, PA 18016, 610-807-9221.